

REMARKS

Claims 1-10 are pending in the application, claims 1-10 stand rejected. No claims have been amended, added or canceled. Accordingly, claims 1-10 are pending in the case.

Claims 1-10 stand rejected under 35 U.S.C. § 112, first paragraph as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. It is the position of the Patent Office that the claim terminology "does not exceed 30 mm" does not have basis in the original disclosure. Applicants respectfully traverse. The Examiner's attention is respectfully directed to Applicant's specification at page 9, last paragraph to page 10, line 20 which clearly discloses the negative limitation noted by the Examiner. In view of the express disclosure of the above cited portion of the claims in the specification, Applicant respectfully submits that the present pending application satisfies the statutory requirements of 35 U.S.C. § 112, first and second paragraph.

Claims 1-5 and 7-10 stand rejected under 35 U.S.C. § 102(a) as being anticipated by WO 00/72790 (Persson) Applicants respectfully traverse.

The present pending claims are directed to a sanitary napkin adapted to be worn in a thong undergarment. The sanitary napkin comprises, inter alia, a central absorbent pad having a liquid pervious cover layer, a liquid impervious barrier layer; and an absorbent core between the cover layer and barrier layer and has a pair of opposite longitudinal side edges defining therebetween a width dimension, a first transverse end and an opposite second transverse end defining therebetween a length dimension. The sanitary napkin has a first distal end region, an opposite second distal end region and a central region intermediate the first distal end region and the second distal end region. The sanitary napkin further includes a flap extending laterally outward from each longitudinal side edge along a line of juncture wherein the line of juncture defines the length of the central region. (emphasis added) The width of the absorbent core varies along at least a portion of its length, wherein the maximum value of the width of the absorbent core in the first distal end region does not exceed 40 mm

along any portion of the length of the first distal end region, the width of the absorbent core in the first distal end region does not exceed 30 mm along at least one half of the length of the first distal end region and wherein a ratio of the length of the first distal end region to the maximum width of the absorbent core in the first distal end region is less than 2.

In the present rejection, the Patent Office has cited page 3, lines 25-27 in the Persson reference for width and length dimension of the first distal end region and argues that on the basis of these dimensions (i.e. the maximum width and length) that the calculated ratio of length to maximum width is within the claimed ranges of Applicant's present claimed invention. Applicant respectfully disagrees with this position. As emphasized above, Applicant has defined three distinct regions of the sanitary napkin, viz first distal end region, central region and second distal end region. The central region is defined by the line of juncture of the flaps and the first distal end region is defined as being between the central region and the first distal end. In contrast, Persson only defines two regions in the described sanitary napkin, a first end region and a second end region. Referring to Figures 1 and 14 (as relied upon by the Patent Office) the first end region either includes the entire region of the flaps (Figure 1) or includes a substantial portion of the flaps (Figure 14). Accordingly, the dimensions used by the Patent Office do not correlate to the dimensions in Applicant's claimed invention and the calculations utilized by the Patent Office in the present rejection do not correlate to the claimed ranges in Applicant's claims. The Persson reference is completely silent with regard to the maximum width and length of the first distal end region as defined in Applicant's present claimed invention and it is clearly improper for the Patent Office to use the dimensions relied upon in the present Office Action since they do not correspond to the regions of Applicants claimed sanitary napkin. In view of the foregoing, Applicant respectfully requests withdrawal of the present rejection.

Claim 6 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Persson. Applicants respectfully traverse.

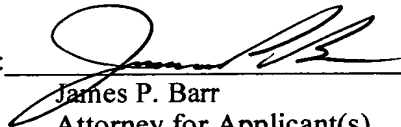
Claim 6 is dependent from independent claim 1 which is believed to be allowable over the cited art for the above reasons of record.

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In view of the foregoing, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

By: _____


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